

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MARVEL CHARACTERS, INC.,

Plaintiff,

v.

LAWRENCE D. LIEBER,

Defendant.

LAWRENCE D. LIEBER,

Counterclaimant,

v.

MARVEL CHARACTERS, INC., and DOES 1-10, inclusive,

Counterclaim-Defendants.

MARVEL CHARACTERS, INC.,

Plaintiff,

v.

PATRICK S. DITKO, in his capacity as Administrator of the Estate of Stephen J. Ditko,

Defendant.

PATRICK S. DITKO, in his capacity as Administrator of the Estate of Stephen J. Ditko,

Counterclaimant,

v.

MARVEL CHARACTERS, INC. and DOES 1-10, inclusive,

Counterclaim-Defendants.

Case No.: 1:21-cv-7955-LAK  
and consolidated cases  
21-cv-7957-LAK and 21-cv-7959-LAK

**JOINT STIPULATION AND  
[PROPOSED] ORDER REGARDING  
BRIEFING SCHEDULE FOR MOTION  
TO EXCLUDE EXPERT TESTIMONY**

MARVEL CHARACTERS, INC.,

Plaintiff,

v.

KEITH A. DETTWILER, in his capacity as Executor of the Estate of Donald L. Heck,

Defendant.

KEITH A. DETTWILER, in his capacity as Executor of the Estate of Donald L. Heck

Counterclaimant,

v.

MARVEL CHARACTERS, INC. and DOES 1-10, inclusive,

Counterclaim-Defendants.

**STIPULATION**

Plaintiff and Counterclaim-Defendant Marvel Characters, Inc. (“MCI”) and Defendant and Counterclaimant Patrick S. Ditko (collectively, the “Parties”) hereby stipulate as follows:

**WHEREAS**, on May 19, 2023, MCI filed its Motion to Exclude the Expert Reports and Testimony of Mark Evanier (the “Motion”);

**WHEREAS**, Patrick Ditko intends to oppose the Motion;

**WHEREAS**, the Parties previously stipulated, and this Court so ordered, a briefing schedule with respect to the Parties’ pending cross-motions for summary judgment, but had not yet set a briefing schedule with respect to any motion(s) to exclude expert testimony;

**WHEREAS**, the Parties have conferred and reached agreement on a mutual briefing schedule with respect to such motion(s).

**NOW, THEREFORE, IT IS HEREBY STIPULATED** by and between the Parties, through their respective counsel of record, subject to the Court’s approval, that:

1. The deadline for Patrick Ditko to file an opposition to the Motion shall be Sunday, June 11, 2023;

2. The deadline for MCI to file a reply in support of the Motion shall be Friday, June 30, 2023;
3. If Patrick Ditko files a motion to exclude expert testimony, MCI shall commensurately have three weeks to file an opposition thereto.

Dated: May 30, 2023

**O'MELVENY & MYERS LLP**

By: /s/ Daniel M. Petrocelli  
Daniel M. Petrocelli

Daniel M. Petrocelli\*  
dpetrocelli@omm.com  
Molly M. Lens  
mlens@omm.com  
Matthew Kaiser\*  
mkaiser@omm.com  
1999 Avenue of the Stars, 8th Floor  
Los Angeles, California 90067  
Telephone: (310) 553-6700  
Facsimile: (310) 246-6779

\* Admitted pro hac vice

*Attorneys for Marvel Characters, Inc.*

Dated: May 30, 2023

**TOBEROFF & ASSOCIATES, P.C.**

By: /s/ Marc Toberoff  
Marc Toberoff

Marc Toberoff  
mtoberoff@toberoffandassociates.com  
23823 Malibu Road, Suite 50-363  
Malibu, CA 90265  
Telephone: (310) 246-3333  
Facsimile: (310) 246-3101

*Attorneys for Patrick S. Ditko*

**SO ORDERED:**

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Hon. Lewis A. Kaplan  
United States District Judge

DATE: \_\_\_\_\_